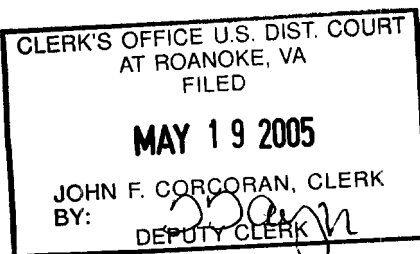


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



JEFFERY MCCLELLAN,

Plaintiff,

v.

J.D. TERRY,

Defendant.

Civil Action No. 7:05CV 00306

**MEMORANDUM OPINION AND  
DISMISSAL ORDER**

By: Samuel G. Wilson  
United States District Judge

Plaintiff Jeffery McClellan, a Virginia inmate incarcerated at the Botetourt Correctional Center, brings this 42 U.S.C. § 1983 action against defendant J.D. Terry alleging various Eighth and Fourteenth Amendment violations. However, McClellan admits in his complaint that he has not filed any grievances regarding any of the facts or claims he alleges. Under 42 U.S.C. § 1997e(a), an inmate must exhaust all available administrative remedies prior to filing a civil rights claim in federal court, and the court must dismiss any unexhausted claims without prejudice. Therefore, the court finds that McClellan has failed to exhaust his available administrative remedies as to his claims, and so the court dismisses this action without prejudice. Accordingly, it is hereby

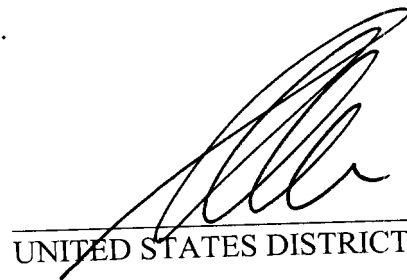
**ORDERED**

that this action is **DISMISSED** without prejudice pursuant to 42 U.S.C. § 1997e(a) for failure to exhaust administrative remedies. This action is stricken from the active docket of this court. McClellan may refile his claims in a separate action after he has exhausted his available administrative remedies.

The Clerk is directed to send certified copies of this dismissal order to the plaintiff and to

counsel of record for the defendant, if known.

ENTER: This 19<sup>th</sup> day of May, 2005.



UNITED STATES DISTRICT JUDGE